

**IN THE UNITED STATES DISTRICT COURT
OF THE EASTERN DISTRICT OF PENNSYLVANIA**

BEY DILEMANI,

Plaintiff,

VS.

BUCA, INC.,

Defendant.

File No. 02-CV-2614

**AFFIDAVIT OF WES GARNETT
IN SUPPORT OF DEFENDANT
BUCA, INC.'S MOTION FOR
SUMMARY JUDGMENT**

STATE OF MINNESOTA)

) SS.

COUNTY OF HENNEPIN)

WES GARNETT, being duly sworn and under oath states that:

1. I am the Senior Vice President, Family Resources for BUCA, Inc. (“Buca”) in Minneapolis, Minnesota. I am submitting this affidavit in support of Buca’s motion for summary judgment.

2. In my capacity as Senior Vice President, Family Resources, I have access to personnel records maintained by Buca. Buca operates more than 50 Buca di Beppo restaurants across the United States.

3. Buca's records reflect that of the seven persons who applied for the Paisano Partner position at Buca's Allentown restaurant, none of the applicants other than plaintiff Bey Dilemani ("Dilemani") were known or believed to be over 40 years of age at the time of their application, including Tim Stenger, who was ultimately hired for the position.

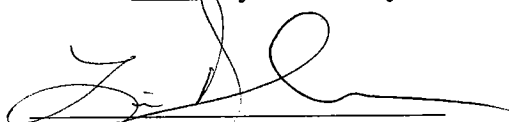
4. Attached as Exhibit A is a list of Paisano Partners whom Jim Cowler had hired as of January 2001, when Dilemani filed his discrimination charge, including their birth dates and dates of hire. Five of the eleven Paisano Partners hired by Mr. Cowler were over 40 years of age: James P. Morris, Vincent G. Vesci, John G. Pond, Frank M. Estes, and Joseph V. Busone.

5. This completes my affidavit, which consists of three typewritten pages, including Exhibit A.



WES GARNETT

Subscribed and sworn to before
me this 30 day of January, 2003.



Notary Public

M1:958874.01



EXHIBIT A**Paisano Partners hired by J. Cowler as of January, 2001**

Name	Birthdate	Hire date
Prelee, Sarina L.	10/30/1961	06/30/1999
Ortez, David	01/16/1965	09/01/1999
Morris, James P.	02/19/1952	12/12/1999
Vesci, Vincent G.	11/14/1950	02/28/2000
Clark, Coy E.	06/12/1970	03/01/2000
Pond, John G.	03/15/1958	05/01/2000
Estes, Frank M.	11/06/1955	06/26/2000
Busone, Joseph V.	04/10/1955	07/28/2000
Flynn, Jeffrey A.	09/18/1966	11/14/2000
Gandee, John D.	11/20/1964	11/22/2000
Stenger, Timothy E.	02/29/1968	11/28/2000

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CERTIFICATE OF SERVICE

I hereby certify that on February 3, 2003, I electronically filed the foregoing with the Clerk of Court using the ECF system. This document is available for viewing and downloading from the ECF system.

Additionally, a copy of the foregoing was mailed to the attorney named below at the address shown below by UPS Next Day Air from Minneapolis, MN on February 3, 2002:

**Mr. Scott B. Goldberg
Michael J. Salmanson, P.C.
1515 Locust Street, 10th Floor
Philadelphia, PA 19102**

/s/ Daniel C. Gerhan

Daniel C. Gerhan